



Roswell Planning & Zoning Commission Minutes

Tuesday, April 26, 2016 - 6:00 PM

Bassett Auditorium, Roswell Museum and Art Center

100 West 11th Street

Commission Chair: Ralph Brown

Vice Chair: Riley Armstrong

Commission Members: Shirley Childress,

Toby Gross, David Storey

Planning Staff: Merideth Hildreth, AICP

William Morris, AICP, CZO

Louis Najjar, PE

A. CALL TO ORDER AND WELCOME – Chair Ralph Brown

A regular meeting of the Planning & Zoning Commission was called to order at approximately 6:00 p.m. by Chair Brown with the following members present:

B. Roll-Call

Ralph Brown (Chair) PRESENT

Riley Armstrong (Vice Chair) PRESENT

Toby Gross PRESENT

Shirley Childress PRESENT

David Storey PRESENT

Chair Brown: We have a quorum

Staff Members Present: Merideth Hildreth, AICP, Current Planning Administrator;
and William Morris, AICP, CZO, Planning Manager.

C. Swearing In: Chair Brown swore in staff and members of the audience.

D. Approval of the Agenda

Motion to Approve the Agenda by Commissioner Gross

Second by Commissioner Armstrong

The motion passed 5 to 0

E. Minutes: Consider approval of the March 22, 2016 minutes

Motion to Approve the March 22, 2016 Minutes as Written by Commissioner Gross

Second by Commissioner Childress

The motion passed 5 to 0

F. Public Hearing Items

1. **RETRACTION OF CASE 16-03 (VAR) Request for a Variance for Side Yard and Rear Yard Setbacks and over forty percent coverage of Rear Yard Setback for Accessory Structure; Tierra Berrenda 5 Amend, Block 2, Lot 6 - known as 855 Swinging Spear Road (Testorff/Owner & Agent).**
Exhibits Attached: (A) Timeline & Recommendations; (B) Electrical Permit; (C) Photos; (D) Aerial; (E) Area Map.

Mr. Morris: This was a variance submitted for the last meeting. The Commission tabled the case and did not render a decision.

Planning staff has been going through files and a building permit application for this project to build a workshop appeared. The applicant did submit an application, but a building permit was never issued to a contractor or the applicant. An electrical permit was issued in April 2015. The Zoning Code changed on July 9, 2015.

Here we have a gentleman who was in compliance with zoning at the time of construction. We do still have an issue with construction of a building by the contractor without a permit. We would like to retract this case formally.

We are directing this case be handed to the building department. The City's building official, Miller Butts, has the ability to charge double for the building permit.

Commissioner Gross made a motion to approve the retraction of Zoning Case 16-03 for a Variance based on findings of the fact and testimony given both past and present.

Second by Commissioner Armstrong

The motion passed 5 to 0

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2. **PROPOSED TEXT AMENDMENT to the City of Roswell Zoning Ordinance;**
Consideration of Recommending Approval for Modification of ARTICLE 22: BUILDING AND PERFORMANCE STANDARDS Section 7: Off-Street Parking and Loading Requirements that would add striping and a maintenance section to existing text.

Mr. Morris: Many commercial properties have not been maintained, including parking lots. Section 7 of Article 22 of the City's Zoning Ordinance shows how to build parking lots, but maintenance is not addressed. We are proposing to add language to address maintenance of parking lots. *(Staff's Proposed Amendments to text below are underscored.)*

Section 7. Off-Street Parking and Loading Requirements

I. Construction and maintenance of Off-street Parking and Loading Zones.

1. **Construction:** All parking and loading zones shall be constructed with either 4 inches of base course and 2 inches of asphalt or a minimum of 6 inches of concrete.
 - A. Each parking space shall be a minimum of 9' x 18' with circulation drives of adequate width to make each stall accessible.
 - B. Each Loading Zone shall be a minimum of 12' x 35' with a minimum height clearance of 15 feet and it shall not reduce the number of required parking spaces.
 - C. All spaces shall be appropriately striped, including all handicapped access spaces.
2. **Maintenance:** All previously paved parking and loading areas shall be maintained at all times to be functional and free from trip hazards. Paved areas shall:
 - A. Have no potholes, major cracking, or other types of hazards, and
 - B. Be properly striped; and,
 - C. Properties where funding to perform the upgrades may not be available, shall prepare a parking plan and timeline for completion which will be submitted to the City for the City's review and approval.

Mr. Morris: We are looking at this, even the paved parking lots. One parking lot had a hole so large that someone could have lost a truck tire in it. It took six months before the property owner fixed the pothole.

Mr. Morris: A code rewrite group has been meeting regularly. This group proposes that this text amendment be heard first by the Planning and Zoning Commission this evening, then by the Legal Committee on Thursday, and then by the City Council for consideration of advertising a public hearing. We see numerous properties with parking lots that are built, but not maintained after built. The City believes it needs to keep up its properties, too.

Commissioner Storey: Where is the enforcement?

Mr. Morris: Code Enforcement will enforce the code. As we go through the ordinances and propose text amendments, we know the City is going to have increase its code enforcement presence.

Commissioner Storey: The issue I see is how to define “major cracking.”

Mr. Morris: That's a good point. I understand that there will be repair jobs. If you can put a pen in it, water gets to the base. Striping hasn't been maintained, and underlying asphalt is falling apart in some parking lots. We are also looking at the International Property Maintenance Code. We need something on the books.

Commissioner Gross: What is the enforcement penalty?

Mr. Morris: It's a petty misdemeanor. Cases will go before Municipal Court.

Commissioner Armstrong made a motion to approve submitting text amendments to ARTICLE 22: BUILDING AND PERFORMANCE STANDARDS Section 7: Off-Street Parking and Loading Requirements to the Legal Committee and City Council.

Second by Commissioner Storey

The motion passed 5 to 0.

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3. **PROPOSED TEXT AMENDMENT to the City of Roswell Zoning Ordinance;**
Consideration of Recommending Approval for Modification of ARTICLE 17: C-4 COMMERCIAL BUSINESS DISTRICT Section 8: Sanitation Dumpsters, Grease Bin, and Enclosure Requirements specifying new requirements.

Mr. Morris: This is a recommendation that started before I started working for the City. This proposed text amendment was initiated by Solid Waste and went to the Code group. Dumpsters are sitting out on curbs or behind buildings. Many are tipped over and don't look the best. Recently, newer restaurants have built dedicated dumpster sites. Solid Waste Departments wants to standardize the development of dumpster areas and allow for placement of dumpsters without opening gates and blocking alleys.

You will see more graphics in our code sections such as these. This proposed text amendment include three graphics. Figure 12.22.1 is a top view. The next page has a front look – a masonry structure using the same colors and materials as the building. The third figure is about the bollard detail.

The only place these are specified in the current code is in the C-4 Section on West Second Street. These properties are still required to have grease traps and trash bins in alleys. Any time there is wind, the tops fly off trash bins and trash is all over.

Commissioner Armstrong: Is this for all new construction?

Mr. Morris: Yes, for new construction, not retroactive unless a property goes through major reconstruction.

Commissioner Storey: Some properties don't have a rear property line.

Mr. Morris: What I need to do is add another line – to the best extent possible.

Commissioner Storey: What happens when the doors swing out into the alley and block the alley? What about Country Market where the setback is not 15 feet? There is no rear line at Mall. The code needs to allow for some flexibility.

Mr. Morris: We will include language in the code to allow flexibility for site specific standards. I see your point. This is intended for alleys.

Commissioner Storey: I think you will see more developments without alleys.

Commissioner Gross: The city sanitation doesn't have an issued with having to open and close gates?

Mr. Morris: this came out of Sanitation.

Commissioner Storey: You'd have to have one guy be gate opener and closer.

Discussion of Rib Crib – enclosed all around.

Commissioner Armstrong: I would like to see the changes in again in writing.

Mr. Morris: We will bring it back next month.

**Commissioner Armstrong made a motion to Table the Proposed Text Amendment for ARTICLE 17: C-4 COMMERCIAL BUSINESS DISTRICT Section 8: Sanitation Dumpsters, Grease Bin, and Enclosure Requirements allowing the City to rewrite as discussed for flexibility of site development. Second by Commissioner Gross
The motion passed 5 to 0.**

G. Other Business

Commissioner Storey: When is the City anticipating filling the two vacant seats on the Planning and Zoning Commission?

Mr. Morris: At the next council meeting.

H. Public Comments

None

I. Adjourn

The meeting adjourned at 6:30 p.m.